



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

cases the book can be used by itself, but it is at the same time an exhaustive citation of the books where the law upon the subject may be found in its fullest detail.

The effort of the abridger, the digester, and the text-book writer has been to render the vast bulk of the law more manageable. The fault with those methods is that they do not lay enough stress upon the difference in value between adjudications. To the abridger, the digester, and the encyclopedia writer all decisions are of the same importance. The same fault is noticeable in some text-books. But in the literature of the law just as in general literature, men must be constantly throwing away inferior matter. The value of the leading case system is that it places stress upon the decisions that are of highest value. The maxim classifies isolated cases under general principles. The text-book concentrates attention upon selected branches of the law. If now a subject in the law which moulds all others, can be so treated that by leading cases the valuable literature is indicated, by other cases of less value the applications of the general principle shown, and by the maxim the different branches of legal doctrine co-ordinated under certain general principles, while by concise text the various branches of the subject are indicated in its ramifications, the result will be a great boon to lawyers. Such a law book has been attempted in Hughes on Procedure. The learning of the author appears to be ample. Many of his ideas are new and convincing. His acquaintance with the literature of the subject is undoubtedly the result of vast and close reading. Lawyers and students will find this book not only intensely practical, but at the same time full of new ideas on procedure, which has always been the most important matter in our jurisprudence.

J. M. Z.

---

THE RULE AGAINST PERPETUITIES. By John Chipman Gray. Second Edition. Boston: Little, Brown, and Company. 1906. pp. xlvii, 664. 8vo.

The new edition of Professor Gray's *Rule against Perpetuities* makes a volume of 664 pages, as against 499 pages of the first edition. With some of the additional material the reader is already familiar. It is pleasant to note that the appendix contains the substance of an article on Future Interests in Personal Property, originally published in the *HARVARD LAW REVIEW*, not omitting the delightful Socratic dialogue which started the re-examination of the subject. The discussion to which the decision in *Whitby v. Mitchell* (42 Ch. D. 494; 44 Ch. D. 85) gave rise is made the subject of brief comment in § 298 a-298 h. In view of this decision, the rule which it recognizes can hardly be spoken of as a non-existent rule, and it is strange that § 290 of the first edition in which the rule is thus referred to should have remained unaltered.

Notwithstanding the elaborate argument against determinable fees in a new appendix, Professor Gray seems now inclined to concede their validity at least for charitable purposes, although he always notices statutory interests of a similar character in streets and mining lands. We should say of this form of limitation what Professor Gray says of the validity of temporary charities with resulting trusts, that the doctrine, however objectionable, seems established (§ 41 a). After all, it is only little more objectionable than the recognition of a fee in land subject to the easement of a highway or railroad.

Perhaps the most interesting question (if it can still be called a question) in the rule against perpetuities is whether the rule is directed against remoteness of vesting or against inalienability. The commonly accepted view is that it is a rule against remoteness, and that the alienability of the remote interest does not prevent it from being void. Professor Gray's influence has perhaps been decisive in gaining acceptance for this view in this country. In England, authority has settled in its favor, though only in comparatively recent times; it is impossible to read the earlier cases without feeling that the great objection to perpetuities was inalienability. We gather from Mr. Gray's treatise that, as a rule against remoteness, the rule against perpetuities is notable chiefly for its exceptions. The most important practical applications of alienable, yet

possibly remote, interests are rights of entry after condition broken, covenants for renewal of leases, long term mortgages with rights of re-entry, and options to purchase. Of these only the latter are invalid, there being only one American case in point (§ 275 a; *Winsor v. Mills*, 157 Mass. 362). Limitations, like those in *Avern v. Lloyd* (L. R. 5 Eq. 383), and *In re Hargreaves* (43 Ch. D. 401), do not seem to have come before American courts. Professor Gray mentions as another alienable, but remote and therefore void interest, an executory devise to begin fifty years from testator's death (§ 201); yet a substantially identical interest may be created by reserving to the executors of the testator a term of fifty years. As we are constantly told that the rule against perpetuities is a practical rule, the value of a test which fails in most cases may be well doubted. Those states which have adopted as a test the suspension of the power of alienation have a rule of much greater simplicity, a rule which, moreover, also fits the case of interests vested without right of possession, which Professor Gray thinks must be met by the invention of a new rule (§ 121 i).

The most notable other additions which the new edition presents, are sections dealing with the period for the exercise of a power of sale by executors (§ 214 a-c), with the question whether a trust to pay income for an excessive number of years is good for twenty-one years (§ 410 a-d), with powers of sale given to trustees (§ 509 a-r), and with certain aspects of gifts to charities (§ 603 a-i), an appendix on gifts to indefinite persons for non-charitable purposes, and another appendix on the relation of conversion to the rule against perpetuities.

A large number of cases decided since the first edition are commented on.

It is superfluous to speak of the well-known merits of Professor Gray's work, of the profound learning of which it bears evidence, of the care and the excellent judgment with which all phases of a complex and difficult subject are discussed, of the lucidity and charm of its style. Of all American legal treatises Gray's *Rule against Perpetuities* probably comes nearest to being a "book of authority." The second edition will confirm its standing and increase its influence.

E. F.

---

A TREATISE ON THE LAW OF REAL PROPERTY. By Frank Goodwin. Boston: Little, Brown, and Company. 1905. pp. lii, 531. 8vo.

"This book is intended to be useful to students of law who are undertaking the study of real property." It is well adapted to carry out its intention. A student of law at a school using the case system will always find it greatly to his advantage after the completion of a subject in a course to read a standard work on that subject; and he could scarcely find a treatise on the law of real property better suited to his purpose than this treatise by Professor Goodwin. In it he will find a fairly comprehensive treatment of the main principles, developed in a scholarly and logical manner, and set forth in an excellent style, clear, concise, and readable.

The author expresses the hope "that the book will be found useful to the practitioner." Among other things, the practitioner requires an exhaustive citation of authorities; he wants a discussion of the latest cases; and he expects a statement of the arguments pro and con on mooted questions, with the author's solution of the problem. All this he desires, and in addition thereto he demands that every practical device be used to make the contents of the book available for ready reference. In short, the practitioner wants an encyclopaedic reference book. Professor Goodwin's treatise does not pretend to be that. Notwithstanding, it may be of considerable help to a Massachusetts lawyer. Massachusetts decisions are cited in great number to the practical exclusion of decisions in other jurisdictions. The latest Massachusetts cases of importance are noticed and discussed. Differences between Massachusetts rules and rules elsewhere are noted. Massachusetts statutes changing the common law are referred to. It is a treatise on the common law of real property from the Massachusetts standpoint.